

**Training for Planning Committee Members**  
Report by Director of Planning and Resources

<b>Summary:</b>	The report suggests a Draft Training Programme for Members for 2013/14.
<b>Recommendation</b>	That a more formal structure and programme of Training for Members with the potential to make this mandatory be introduced subject to Members' views.

## **1 Background**

- 1.1 The Broads Authority does not currently have a “mandatory” or formal Planning Training Programme for Members. However, a number of the National Park Authorities and our neighbouring Districts have recently introduced them. The Code of Conduct for Planning Committee Members refers to “on going” training for Members subsequent to the training on the Code of Conduct from the Solicitor that all Members receive on their appointment and the formal Briefing on Planning Matters from the Director of Planning and Resources. Training for Members has traditionally been informal and taken the form of briefings, policy updates and organised training sessions on specific topics at the request of Members. As a result of the Members Annual Appraisals undertaken in March of this year and following discussion with the Chair and Vice Chair of this committee it is proposed to introduce a more formal structure and programme of Training for Members with the potential to make this mandatory. Officers are mindful that Local Authority Appointees may receive planning training from their respective appointing authorities and it is hoped that this training programme will not duplicate that training and will take the opportunity to share training events where possible. However, it must also be remembered that Secretary of State appointees rely on the Authority alone for their planning training. Officers are also mindful of the time commitments of Members and it is hoped to use Planning Committee Meetings as much as possible.
- 1.2 This formal training would be in addition to and complimentary to the Member Development Programme that is already compiled by the Authority and will include the Annual Design Tour due to take place in the autumn.

## 2 The Need for Training

- 2.1 The planning function of any Authority is one of its most important responsibilities. In determining planning applications, and other development management responsibilities, the Authority is exercising a quasi-judicial function and making decisions that affect people's rights, (including rights recognised under the Human Rights Act 1998), as well as having direct implications for the special qualities of the area and the social and economic wellbeing of local communities.
- 2.2 Planning legislation is particularly complex and cases that come before the Planning Committee regularly raise complex legal and technical issues. The Authority employs planning officers, who are highly trained and professionally qualified, to produce reports for the Committee and make a professional recommendation; it also has specialist planning solicitors from Nplaw to give advice on reports and at Committee. However officer advice alone cannot be a substitute for a basic understanding of the planning system, the legal principles that underpin it and the skills and knowledge necessary to make planning judgements. In the last 12-24 months there have been significant and sometimes rapid changes in planning legislation, amendments to permitted development rights and the introduction of the National Planning Policy Framework all of which are important in the operation of the planning system and all of which provide challenges to officers and members in the decision making process.
- 2.3 The importance of planning training for Members has been consistently highlighted in a number of national reviews and reports on the planning system over recent years:
- *"Planning legislation is complex and it is essential that councillors have adequate training to enable them to apply the rules in a proper way to applications.....All members of an authority's planning committee should receive training in the planning system, either before serving on the committee, or as soon as possible after their appointment to the committee."* **Report of the Nolan Committee on Standards of Conduct in Local Government in England, Scotland and Wales (1997)**
  - *"All Members of the council should receive training in planning matters .....Members should be encouraged to keep their skills and knowledge up to date by attending training sessions on at least an annual basis."* **'Councillor Involvement in Planning Decisions' DCLG final report (2007)**
  - *"Local planning authorities should strongly encourage all new Councillors to attend training on the role of elected members as decision makers in the planning application process, complemented by continuing regular training, including refresher courses for more experienced councillors."* **Killian Pretty Review (2008)**
  - *"The LGA endorses the good practise of many councils which ensures that their Members receive training on the planning process when first*

*serving on the planning committee. It also recommends that Members be updated regularly on changes to legislation or procedures. Such training is essential for those members involved in making decisions on planning applications and on local development documents. Authorities should provide training on the planning process for all members.”*

**Local Government Association, Probity  
in Planning (2009) and Revised in 2013**

- 2.4 It is understood that all National Park Authorities and each of the constituent Councils provide initial planning training and run training sessions in various guises during the year. Some make attendance ‘compulsory’ with the sanction that non-attenders are barred from participating in the committee. Others simply encourage attendance with varying degrees of success.
- 2.5 The North York Moors has introduced a compulsory programme and this is reflected in the Authority’s Standing Orders as follows:

### **3.3 Member Training**

#### Planning Committee:

*(i) any new Member of the Authority (a new member being any member appointed to the Authority who has not been a member of the Authority in the preceding six months) shall, within three months of joining the Authority, attend a Planning Committee training course. Failure to do so will automatically disbar the Member from taking any part in the decision-making process of the Committee after the three-month introductory period, and until the Member has attended the required training; and*

*(ii) continued membership of the Authority’s Planning Committee will require refresher training to be undertaken by all Members of that Committee. [This will cover new developments in development control practice, procedure, guidance and case law, such training to be so arranged as to give Members as much choice as possible of dates and venues of that training.] Failure to attend the refresher training will disbar the Member from participating in any debate and/or in decisions by the Planning Committee until the required refresher training has been undertaken.*

- 2.6 The NYMNPA Standing Orders also provide that Members who miss 20% of a mandatory training session are considered to have missed the training. If any Member misses the training session, the ‘missed’ training shall be provided as soon as practicable so that the Member(s) may resume their duties as soon as possible.

## **3 Training Currently Provided**

- 3.1 New members of the Planning Committee, receive an initial training session with the Director of Planning and Resources which lasts about an hour and a half. This briefly covers the main aspects of development management and planning policy generally, and the specific aspects of the Broads Authority’s

Planning Service. Members are given a Briefing Note on their appointment which provides more detail. All Members receive copies of the Local Development Framework Documents and other planning policy documents.

- 3.2 Planning training sessions and updates are provided throughout the year but tend to be informal and take place at the end of a Planning Committee Meeting and are usually delivered by Officers or invited speakers. In recent years these have covered topics such as floodrisk, NPPF and legislative updates. Reports are also provided to the Planning Committee on areas of change in the planning system and have included the NPPF and various procedural changes.
- 3.3 On the positive side training gives Members an opportunity to learn about wider aspects of planning in more depth than can be dealt with in a committee report or debate. In relation to the Design Tour, it is also an opportunity to see the outcome of planning decisions on the ground and viewing new development in an area of the Broads that they may be less familiar with. Recent sessions have focussed on changes in legislation and case law. However, it is hoped that a focus on more practical aspects would be welcomed by Members.
- 3.4 The Authority's planning function is both important and different from other functions. It has been recognised nationally, and by most planning authorities, that Members should have training in planning matters to help ensure good quality decision making which is less susceptible to successful legal challenge. It is considered that it is not appropriate for a local planning authority to entrust decision making to persons who have not had training and as such some form of initial training and annual 'refresher' or update training is necessary. In this context, it is worth remembering that the planning applications decided by Committee (rather than by officers under delegated powers), are generally the most complex and contentious ones that the Authority receives.

#### **4 Conclusion**

- 4.1 It is proposed to introduce two formal training sessions per annum – in April and November and for attendance at least one to be mandatory for Members. These would be half day or evening sessions and would cover at least one practical element as well as legislative updates. This would be in addition to the Design Tour which would not be mandatory. Informal briefings at planning committee would also continue as required.
- 4.2 Member feedback is requested on the principle of the formal session as well as suggested content for the practical elements.
- 4.3 It is recognised that in some Authorities, Members have raised concerns over the sanction for non-attendance which is seen as draconian. Whilst it is recognised that different Members have a different range of skills and experience in planning matters, meaning that the training needs vary, it is also

necessary to ensure that a consistent minimum level of knowledge is attained by Members and this necessitates a standard level of training as a minimum.

- 4.4 It is recommended that Members agree a system of mandatory planning committee training on a 6 monthly basis with Members invited to all sessions but only obliged to attend one session in a 12 month period. The subject matter of the sessions to be initially suggested by Members and arranged by the Director of Planning and Resources with the agreement of the Chairman and Vice Chairman of the Planning Committee.

Background papers: None

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Appendices: APPENDIX 1 – Planning Training for Members in other NPAs and constituent councils

**Planning Training for Members in other NPAs and constituent Councils**

All English NPAs provide training for Members serving on planning committees.

The training is generally an initial induction session followed by annual events, usually a briefing by the head of planning and attendance at in-house sessions or at an ANPA induction event.

Some NPAs (North York Moors, South Downs) provide a number of training events in the year.

Most NPAs (NYMNPA, the Broads, Peak District, Exmoor, South Downs, and Dartmoor) operate a mandatory system whereby new Members are not allowed to participate in planning committee if they have not had the induction session. Attendance at the annual training however is only mandatory at the Peak District although Exmoor NPA is currently considering adopting this practise.